



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent the Senate **H.3057**, a bill authorizing **REPEAT PARTICIPATION IN A SOLICITOR'S PRETRIAL INTERVENTION PROGRAM**, an alternative to trial in which an offender, who has not committed a violent crime or other comparatively egregious offense, can be given an opportunity to provide victim restitution and complete appropriate training, such as counseling for substance abuse or anger management, in order to have the charge disposed of and official records destroyed. Current law prohibits an offender from participating in a solicitor's pretrial intervention program more than once. This legislation provides that a solicitor, in his discretion, may consent to allow an offender to participate in a pretrial intervention program more than once. Repeat participation is not allowed for someone who has already participated in a pretrial intervention program for a criminal domestic violence offense. A repeat participant in a pretrial intervention program is subject to a participation fee of five hundred dollars, which is twice the amount of the initial participation fee. The legislation includes provisions for the State Law Enforcement Division to receive fees to perform verification duties regarding the expungement of criminal records when a pretrial intervention program has been successfully completed. SLED receives a fee of twenty-five dollars in the case of first time participation and fifty dollars for repeat participation.

The House amended, approved, and sent the Senate **H.3193**, a bill relating to the **COMPUTATION OF TIME SERVED BY A PRISONER**. The legislation provides that any time served under monitored house arrest by a prisoner must be used in computing time served.

The House amended, approve, and sent the Senate **H.3451**, relating to **OFFENSES CHARGED ON A UNIFORM TRAFFIC TICKET**. This legislation addresses issues that arose from a recent Court of Appeals case pertaining to the use of a uniform traffic ticket to begin judicial proceedings in magistrates court. The legislation adds criminal domestic violence and shoplifting to the list of offenses that may be charged, in addition to traffic offenses, on a uniform traffic ticket, which allows uniform traffic tickets to be issued for these offenses even if the act did not occur in the officer's presence. Also, the legislation requires an officer who makes a shoplifting arrest using a uniform traffic ticket to immediately file an incident report; this requirement is already in place under current law if a uniform traffic ticket is used for a criminal domestic violence offense. Further, the legislation allows a uniform traffic ticket to be used in an arrest for a misdemeanor offense within the jurisdiction of magistrates court that has been freshly committed or is committed in the presence of a law enforcement officer.

The House approved and sent the Senate **H.3074**, which relates to **PLEA NEGOTIATIONS OR AGREEMENTS AND UNIFORM TRAFFIC TICKETS**. Incident to a plea negotiation or agreement, this legislation provides that a law enforcement officer or other person authorized by law to prosecute an offense for which a uniform traffic ticket is issued may invalidate the ticket and reissue a uniform traffic ticket for another offense.

The House amended, approved, and sent the Senate **H.3342**, relating to **BENCH WARRANTS**. This legislation prohibits a judge from issuing a bench warrant for failure

to appear in court upon motion by the solicitor or other prosecuting entity, unless the solicitor or the party charged with administering the general sessions docket has provided notice to the attorney of record and the bond surety company, if applicable, at least seventy-two hours before the bench warrant is issued. This provision does not apply to a bench warrant for failure to appear that is issued by the presiding judge, of his own accord.

The House amended, approved, and sent the Senate **H.3484**, a bill revising requirements for **FISCAL IMPACT STATEMENTS ON PROPOSED REGULATIONS** submitted by state agencies for review by the General Assembly. The legislation provides for a final fiscal impact statement on a proposed regulation submitted for legislative approval that has been updated by the State Budget Office to include revisions to the estimated cost of compliance and implementation following any substantive changes that may have been made to the regulation as a result of receiving public comments or holding public hearings.

The House amended, approved, and sent the Senate **H.3409**, a bill establishing **RESTRICTIONS ON ROOFING WORK ARRANGEMENTS PAID WITH INSURANCE POLICY PROCEEDS**. This bill prohibits a builder or contractor from representing or negotiating on behalf of an owner or possessor of residential real estate on any insurance claim in connection with the repair or replacement of roof systems. The legislation prohibits a builder or contractor from advertising or promising to pay or rebate all or any portion of any insurance deductible as an inducement to the sale of goods or services. A violation is a misdemeanor and is included among the instances of misconduct that the South Carolina Residential Builders Commission considers in determining whether a license or registration should be revoked, suspended, or restricted. The legislation establishes a procedure allowing a person who enters into a written contract for goods or services related to a roofing system with a party who will be paid from proceeds of a property and casualty insurance policy and who subsequently receives written notice from the insurer that all or part of the claim or contract is not a covered loss under the policy to cancel the contract prior to midnight on the fifth business day after the insured has received the written notice of the denial of coverage.

The House approved and sent the Senate **H.3624**, a bill to provide a **STATE COMMITMENT TO DEFEND AND INDEMNIFY SOUTH CAROLINA PUBLIC BENEFIT AUTHORITY (PEBA) PERSONNEL** in their performance of official duties. The legislation provides that the State shall defend the members of the Board of Directors of the South Carolina Public Benefit Authority against a claim or suit that arises out of or by virtue of their performance of official duties on behalf of the authority and must indemnify these directors for a loss or judgment incurred by them as a result of the claim or suit, without regard to whether the claim or suit is brought against them in their individual or official capacities, or both. The State shall defend officers and management employees of PEBA against a claim or suit that arises out of or by virtue of performance of official duties unless the officer or management employee was acting in bad faith and must indemnify these officers, and management employees for a loss or judgment incurred by them as a result of such claim or suit, without regard to whether the claim or suit is brought against them in their individual or official capacities, or both. This commitment to defend and indemnify extends to PEBA directors, officers, and management employees after they have left their office or employment with PEBA, if the claim or suit arises out of or by virtue of their performance of official duties on behalf of PEBA.

The House approved and sent the Senate **H.3620**, a bill relating to risk retention groups licensed as **INDUSTRIAL INSURED CAPTIVE INSURANCE COMPANIES**. The legislation provides that an industrial insured captive insurance company is subject to certain requirements concerning reports for risk-based capital, acquisitions disclosure, asset disposition, and ceded reinsurance agreements. The legislation establishes specific conditions under which the Department of Insurance may elect not to take regulatory action concerning risk-based capital.

The House approved and sent the Senate **H.3621**, a bill relating to a **HAZARDOUS INSURER LICENSEE REVOCATION**. The legislation revises provisions governing the revocation or suspension of a certificate of authority to transact business in this state by an insurer, so as to revise provisions concerning a revocation of the licensee of a hazardous insurer.

The House approved and sent the Senate **H.3097**, a bill making revisions to **DRYCLEANING FACILITY RESTORATION TRUST FUND** provisions that include providing the Department of Health and Environmental Control with the authority to use the funds to identify contaminated sites.

The House approved to **S.305** and enrolled the bill for ratification. The legislation makes **REVISIONS TO FISH, GAME, AND WATERCRAFT STATUTES** which include making only wholesale seafood dealers, rather than all seafood dealer, subject to record keeping requirements, changes to horseshoe crab permits issued to scientific institutions, as well as technical changes to the descriptions of geographic boundaries for certain bodies of waters along the coast.

The House returned **S.304**, relating to **FRESHWATER FISHING**, to the Senate with amendments. The bill makes technical changes to the possession of game fish. Currently, trotline markers are various colors throughout the month, the legislation changes the color of the marker to white.

The House amended, approved, and sent the Senate to **H.3571**, a bill relating to **TROT LINES, SET HOOKS AND JUGS**. The legislation provides for a smaller hook size to be used to fish along all river systems and changes the color of the jugs to white on trotlines.

The House approved and sent the Senate **H.3579**, a bill relating to the **TAKING OF NONGAME FISH IN GILL NETS**, which provides that, along the Little Pee Dee River upstream of Punch Bowl Landing, no net may be set within seventy-five feet of a gill net previously set, drifted within seventy-five feet of another drifting net, or placed or set within seventy-five feet of the confluence of a tributary.

The House amended, approved, and sent the Senate **H.3638**, a bill that authorizes the appointment of additional members to **COUNTY AVIATION COMMISSIONS** and provides that, in counties with two municipalities with a population in excess of fifty thousand, the mayors of these municipalities shall serve, ex officio, as members of the commission.

HOUSE COMMITTEE ACTION

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee met on Wednesday, March 6, and reported out several bills.

H.3474, which makes revisions pertaining to the **SCHOOL CALENDAR**, received a favorable report. This legislation allows a local school district board of trustees to establish its calendar based on a statutory term of 180 days of instruction or the equivalent number of instructional hours. Other references pertaining to the statutory school term are also updated to reflect not just days but an equivalent number of hours. Among other things, this legislation provides that the statutory school term consists of a minimum of 180 days of instruction or the equivalent of 1,170 instructional hours and ten additional days or the equivalent of 60 hours for secondary schools or 1,080 hours and ten additional days or the equivalent of 60 hours for elementary schools. A local school district may decide how best to structure the instructional day and how many days of instruction comprise the school year, in that the local school district calendar includes instructional days to coincide with official testing dates as set by the South Carolina Department of Education for the administration of the statewide testing program. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among schools in the district. However, the opening date for students may not be before the third Monday in August, except for schools that operate on a year-round modified school calendar.

The full committee gave a favorable with amendment report to **H.3372**, relating to the **ISSUANCE OF PARKING PLACARDS BY THE DEPARTMENT OF MOTOR VEHICLES**. This legislation allows an applicant for a parking placard to the Department of Motor Vehicles to submit a certificate from a licensed nurse practitioner or a licensed physician assistant that certifies the applicant is handicapped.

H.3518 received a favorable report. This legislation finds that a **NEW METHOD OF FUNDING PUBLIC COLLEGES AND UNIVERSITIES** is required based on performance and outcomes as measured against objective benchmarks. The legislation directs the Commission on Higher Education, with the cooperation of the state's public senior colleges and universities, to review how these institutions are currently funded and make recommendations for how future appropriations should be distributed based on an accountability-based model. The legislation includes various factors to serve as the basis for the recommendations. The Commission on Higher Education must develop a report to inform decisions of the General Assembly in distributing funds to the public colleges and institutions beginning in the 2015-2016 fiscal year and phased in during a five year period. Technical colleges are exempt from these provisions.

H.3086, revises provisions pertaining to **IN-STATE TUITION RATE ELIGIBILITY FOR VETERANS AND THEIR DEPENDENTS**, received a favorable with amendment recommendation from the full committee. This legislation provides that veterans and their dependents are entitled to receive in-state tuition rates at state institutions and fees without the requirement of one year of physical presence in this state. The legislation

applies to veterans who have served on active duty, have been honorably discharged, and have evidenced intent to establish domicile in South Carolina.

The full committee gave a favorable with amendment report to **H.3091**, pertaining to **REGISTRATION REQUIREMENTS UNDER THE SOUTH CAROLINA CHARITABLE SOLICITATION ACT**. This legislation exempts public school districts and public schools from registration requirements under the Charitable Solicitation Act, and the term public school includes a student organization within the school that does not maintain separate financial accounts or a separate Federal Employer's Identification Number from the school and whose fundraising revenues are deposited in the school's student activity fund. Also exempt are charitable organizations that do not intend to solicit or receive contributions from the public in excess of \$7,500 during a calendar year. These entities are exempt even if they hire various fundraising professionals, but the fundraising professionals must comply with registration and filing requirements.

H.3061, pertaining to **STUDENT ATHLETES AND CONCUSSIONS**, received a favorable with amendment recommendation from the full committee. This legislation requires the Department of Health and Environmental Control, in consultation with the Department of Education to post on its website guidelines, procedures and model policies regarding the identification, management and return to play decisions of suspected concussions in student athletes. Guidelines must incorporate best practices from various entities, and guidelines apply to events sanctioned by the South Carolina High School League. Local school districts must develop guidelines and procedures based on the model guidelines and procedures. Coaches, volunteers, athletes and their parents or guardians must review the concussion guidelines and procedures on a yearly basis, and parents or guardians must sign a statement indicating their review before a student is permitted to participate in an athletic competition or practice. Athletes suspected of sustaining a concussion or brain injury must be removed from practice or competition. Athletes may return to play if a trainer or doctor determines onsite that an athlete does not have any signs or symptoms of a concussion or brain injury. Athletes suspected to have suffered a concussion or brain injury may not return to play until they have received written medical clearance by a doctor who has had training in concussion evaluation and management. Trainers and doctors who evaluate student athletes and allow for their return to play are not liable for civil damages, unless their conduct is considered to be gross negligence or wilful wanton misconduct. Student athletes include cheerleaders.

JUDICIARY

The full Judiciary Committee met on Tuesday, March 5, and reported out several bills.

H.3512 received a favorable with amendment report from the full committee. This legislation makes **REVISIONS TO THE ALCOHOLIC BEVERAGE CONTROL ACT**. The legislation allows a retail dealer to offer discounts at the register through the use of premiums, coupons, or stamps, so long as the cost related to the discount is provided only by the retail dealer and is not prohibited by federal law; currently such discounts may only be redeemed by mail. The legislation provides additional limitations on certain retail dealer to retail dealer transactions and strengthens penalties for certain repeated

violations. Among other things, the legislation provides that the Department of Revenue must not issue or renew a retail dealer's license until the applicant has certified that the applicant has not purchased and will not purchase alcoholic liquors from another person who does not hold a wholesaler's license; further, the legislation requires notice of this provision through placement of sign on a retail dealer's premises.

The Judiciary Committee gave a favorable with amendment report to **H.3554**, which relates to **SAMPLES OR SALES OF BEER FOR ON-PREMISES CONSUMPTION IN CONJUNCTION WITH TOURS OF BREWERIES**. Among other things, this legislation specifies that fourteen percent alcohol by weight is the maximum that may be offered for on-premises consumption; allows for the sale of sixty-four ounces of beer to a consumer every twenty-four hours; provides the beer must be sold at the approximate retail price; and provides that appropriate taxes must be remitted. Currently, breweries may offer samples with or without cost; a sample cannot be more than two ounces per brand of beer with over eight percent alcohol by weight and no more than four ounces of beer with under eight percent alcohol by weight.

H.3176 received a favorable with amendment report from the full committee. This legislation makes various **ELECTION LAW REVISIONS**, and highlights include the following. The legislation requires the authority established by law with conducting an election to establish a procedure by which a qualified elector may cast his ballot, without excuse, during an early voting period for all elections. Each county board of registrations must establish one early voting center. The early voting period begins nine days before an election and ends the day prior to an election exclusive of Sundays. While the county board of registration and elections determines the hours of operation, the legislation requires the center to be open for two Saturdays within the early voting period for statewide primaries and general elections, and the legislation provides minimum hours of operation each day. The early voting center must close at 5:00 p.m. on the final day of early voting, the Monday immediately preceding election day. The legislation requires a sign to be posted in an early voting center informing the public that voting more than once is misdemeanor, and upon conviction, a person must be fined in the discretion of the court or imprisoned not more than three years. The legislation makes revisions pertaining to absentee ballots. Under this legislation, the method of voting by absentee ballot is by paper ballot. With the establishment of an early voting period, the legislation revises the categories in which a qualified must be permitted to vote by absentee ballot. This legislation provides that an entity authorized by law to conduct an election at which qualified electors are allowed to cast a ballot must do so on one of four dates. The dates on which an election event may be held are: (1) the third Tuesday in March; (2) the third Tuesday in June; (3) the third Tuesday in September; or (4) the Tuesday after the first Monday in November. Notwithstanding another provision of law, if an entity is required to conduct an election event it must be conducted on one of the four dates after and nearest to the date established by another provision of law. Provisions are included to extend the terms of those currently serving in office to allow for an election to occur at the nearest date. These provisions do not apply to amendments proposed to the State Constitution or the United States Constitution. The legislation prohibits a candidate from filing more than one statement of intention of candidacy for single election. The legislation prohibits a candidate's name from appearing on the ballot more than once for any single office for the same election. The legislation provides that the State Election Committee shall determine the arrangement of general election ballots. The legislation is effective upon approval of the Governor, subject to obtain preclearance from either the United States Department of Justice or the

United States Court of Appeals of the District of Columbia, pursuant to the Voting Rights Act. However, if any portion of the legislation fails to gain preclearance, the other portions shall not take effect.

H.3367 received a favorable recommendation. This legislation **UPDATES AND REVISES PROVISIONS OF THE SOUTH CAROLINA CHARITABLE SOLICITATION OF FUNDS ACT**. Among other things, the legislation clarifies and updates various definitions; clarifies that any organization that has filed a registration statement with the Secretary of State's office for a fiscal year is required to file an annual financial report for that fiscal year; and clarifies professional solicitor and professional fundraising counsel registration requirements, including reporting of criminal convictions involving forgery and theft. The legislation revises the "notice of solicitation" and "joint financial reporting" requirements. Also, it requires commercial co-venturers to submit a registration form that discloses similar information as is required for professional solicitors and fundraising counsel.

The full committee gave a favorable with amendment report to **H.3398**, pertaining to **REGISTRATION REQUIREMENTS UNDER THE SOUTH CAROLINA CHARITABLE SOLICITATION ACT**. This legislation exempts public school districts and public schools from registration requirements under the Charitable Solicitation Act, and the term public school includes a student organization within the school that does not maintain separate financial accounts or a separate Federal Employer's Identification Number from the school and whose fundraising revenues are deposited in the school's student activity fund. Also exempt are charitable organizations that do not intend to solicit or receive contributions from the public in excess of \$7,500 during a calendar year. These entities are exempt even if they hire various fundraising professionals, but the fundraising professionals must comply with registration and filing requirements.

H.3145 received a favorable with amendment report. This legislation provides **EXPEDITED EJECTMENT PROCEDURES FOR TENANTS IF THE GROUNDS FOR EJECTMENT FOR A RESIDENTIAL RENTAL AGREEMENT ARE CIRCUMSTANCES THAT CONSTITUTE MALICIOUS DAMAGE TO PROPERTY OR SIGNIFICANT THREAT TO SAFETY**, which are defined by the legislation. This procedure is not available in cases of domestic violence, dating violence, sexual assault, or stalking against the tenant or a member of the tenant's household. The landlord or his agent bears the burden of proof by a preponderance of the evidence that the actions of a tenant, a member of the tenant's household, or a guest's actions constitute malicious property damage or significant threat to safety. The filing fee for an application for an expedited ejectment proceeding is \$50, and the landlord or his agent who initiates the actions must file an affidavit stating specific facts and instances to support the action. Within 24 hours after the filing, the magistrate must review the application and affidavit in an ex parte hearing without giving the defendant notice of the hearing. If the landlord or agent shows sufficient evidence, the magistrate shall authorize the action to proceed with service. A magistrate may impose a civil penalty up to \$500 against a landlord or his agent for abuse of the expedited process. The legislation includes provisions as to various ways a copy of the rule to show cause may be served on the tenant. If the tenant fails to appear and show cause within ten calendar days following the first attempt at service, then the magistrate shall issue a warrant of ejectment and the tenant shall be ejected by law enforcement.

[H.3268](#), pertaining to the **DISSOLUTION OF CERTAIN SPECIAL PURPOSE DISTRICTS**, received a favorable with amendment report from the full Judiciary Committee. This legislation allows the governing body of a special purpose district created by act of the General Assembly that provides recreational services and has as its boundary the same as the county in which it is located to voluntarily dissolve itself and transfer its assets and liabilities to a county under certain circumstances. For purposes of calculating the millage limitation imposed pursuant to Section 6-1-320 for a county, any millage for operating purposes imposed by the dissolved special purpose district is considered to have been imposed by the county. These provisions do not apply to a special purpose district that provides both recreational and aging services. Further, these provisions expire two years after the effective date of the legislation. The Judiciary Committee gave a favorable recommendation to [H.3541](#), a **PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO THE ADJUTANT GENERAL**. Among other things, the proposed amendment deletes the Adjutant General from the list of State Officers which the Constitution requires to be elected and provides that beginning on the date of the ratification of this amendment, the Adjutant General must be appointed by the Governor upon the advice and consent of the Senate for a four year term; however, the initial term of the first Adjutant General appointed must be for two years so as to allow subsequent terms to be staggered with that of the Governor. The proposed amendment requires the General Assembly to provide by law for the duties, compensation, and qualifications for the office, the procedures by which the appointment is made, and the procedures by which the Adjutant General may be removed from office. The proposed amendment must be submitted to the qualified electors at the next general election.

The Judiciary Committee also gave a favorable recommendation to [H.3540](#), relating to the **APPOINTMENT OF THE ADJUTANT GENERAL BY THE GOVERNOR**. This legislation provides for the appointment of the Adjutant General by the Governor upon the advice and consent of the Senate for a four year term. However, the initial term of the first Adjutant General appointed must be for two years so as to allow subsequent terms to be staggered with that of the Governor. The Adjutant General is the commander of all military forces within the South Carolina Military Department, and the legislation provides that he is responsible to the Governor in his role as Commander in Chief for the proper performance of his duties. The Adjutant General may be removed by the Governor only for certain reasons constituting cause. This legislation establishes certain qualifications for the office of Adjutant General. These provisions are effective upon ratification of a constitutional amendment deleting the requirement that the State Adjutant General be elected.

LABOR, COMMERCE AND INDUSTRY

The Labor, Commerce and Industry Committee met on Tuesday, March 5, and gave a report of favorable with amendments to [H.3491](#), a bill establishing new conditions for acting as a **VACATION TIMESHARE RESELLER**.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3735 *BLACK SEA BASS* Rep. Goldfinch

The bill clarifies that the federal laws and regulations that regulate the taking of fish in state waters, does not apply to Black Sea Bass.

H.3774 *TIME LIMIT SUSPENSION OF REAL PROPERTY APPROVALS* Rep. Loftis

As a result of an economic emergency in the State of South Carolina and the nation, which has drastically affected various segments of the South Carolina economy, but none as severely as the state's banking, real estate, and construction sectors, this Joint Resolution suspends the running of certain government approvals affecting the development of real property within the state for a period beginning January 1, 2013 through December 31, 2017.

H.3777 *STATEWIDE WILD TURKEY HUNTING SEASON* Rep. Goldfinch

This bill establishes a statewide season for hunting and taking a male wild turkey (gobbler) beginning March 22 through May 7. The bag limit is four gobblers per season, not more than two per day.

H.3778 *WILD TURKEY TAGS* Rep. Goldfinch

This bill allows the Department of Natural Resources to issue wild turkey transportation tags at a cost of five dollars. The bill also allows the department to retain these funds.

EDUCATION AND PUBLIC WORKS

H.3752 *"EXPANDED VIRTUAL LEARNING ACT"* Rep. Patrick

This legislation enacts the "Expanded Virtual Learning Act". Relating to the South Carolina Virtual School Program, this legislation restyles the program as a virtual education program and removes limits on the number of online credits a student may be awarded under the program. Relating to enrollment of charter school students in the South Carolina Virtual School Program, this legislation makes a conforming change.

JUDICIARY

S.127 SOUTH CAROLINA BRAIN INJURY LEADERSHIP COUNCIL

Sen. Alexander

This legislation creates the South Carolina Brain Injury Leadership Council, within the Department of Disabilities and Special Needs, to provide statewide coordination in promoting support services to persons with brain injuries, their families, and caregivers, and to identify emerging issues and innovations, foster education and advocacy, and build consensus to support necessary policies and programs. Among other things, the legislation provides for the membership of the council, provides that members are not entitled to mileage, per diem, subsistence or any form of compensation, and authorizes members to apply for grants for the purposes of carrying out the responsibilities and duties of the council.

S.137 "EMMA'S LAW" - REVISIONS TO THE STATE'S DRIVING UNDER THE INFLUENCE LAWS **Sen. Lourie**

This comprehensive legislative makes revisions relating to the state's driving under the influence laws. Among other things, the legislation makes revisions pertaining to the Ignition Interlock Device Program.

H.3734 OFFENSE OF ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE **Rep. Douglas**

This legislation provides that a person that unlawfully injures a law enforcement officer, an emergency medical service provider, or a firefighter commits the offense of assault and battery of a high and aggravated nature.

H.3756 GAMBLING AND LOTTERIES **Rep. Herbkersman**

This comprehensive legislation updates provisions relating to the regulation of gambling and lotteries.

H.3762 UNLAWFUL HUNTING OF WILDLIFE **Rep. Ott**

Relating to the confiscation, forfeiture, sale, and release of property used for the unlawful hunting of wildlife, this legislation provides additional types of property that are covered. Additionally, the legislation revises the penalties that may be imposed for the unlawful hunting of wildlife.

H.3764 "NONEMBRYONIC AND NONFETAL CELL THERAPY ACT" **Rep. Long**

This legislation enacts the "Nonembryonic and Nonfetal Cell Therapy Act" to authorize the establishment and operation of nonembryonic and nonfetal cell or tissue banks. Among other things, the legislation defines nonembryonic and nonfetal cells; prohibits state and local governmental authorities from regulating nonembryonic and nonfetal cell or tissue banks or from taking disciplinary action or imposing penalties or liability for engaging in authorized activities; prohibits licensing boards from absolving themselves of the responsibility to regulate licensees or to regulate procedures used to perform the activities permitted; prohibits immunity from penalties or civil and criminal liability for individuals who fail to exercise reasonable care in providing services; and establishes qualifications and limitations pertaining to the purchase, compounding, delivery, and administration of nonembryonic and nonfetal cells.

H.3768 "DRUG COURT PROGRAM ACT" Rep. D. C. Moss

This legislation enacts the "Drug Court Program Act" to direct each solicitor to establish a drug court program for adults and juveniles. The legislation provides criteria for eligibility of persons charged with nonviolent offenses; allows each solicitor to establish an office of drug court program coordinator; directs the Commission on Prosecution Coordination to establish a State Office of Drug Court Coordination; provides fees for participation in a drug court program; provides for annual reports detailing the activities of drug court programs to the Commission on Prosecution Coordination with a copy provided to the Sentencing Reform Oversight Committee; and provides for the appointment of drug court judges and compensation.

H.3772 REVISIONS TO ETHICS LAWS Rep. Bingham

This legislation makes comprehensive revisions to ethics laws. It reconstitutes the State Ethics Commission and revises its powers, duties, and procedures. It includes a provision that all complaints relating to ethical violations against the Members, staff and candidates for the General Assembly must be filed with the State Ethics Commission, processed by it, and then referred to the Public Integrity Unit for investigation before being returned to the appropriate ethics committees of the House or Senate for further action. The legislation reconstitutes the membership of the House and Senate Ethics Committees to be consistent with that provided in the rules of the respective houses and revises the procedures of the Ethics Committees of the House and Senate in regard to the manner in which ethical complaints against its Members, candidates, or staff must be processed and decided. The legislation provides that no public official or candidate may appear on the ballot for election to any office if that public official or candidate has received notice of an outstanding or unpaid fine levied by the Ethics Commission. The legislation establishes the South Carolina Public Integrity Unit and provides for its membership, powers, duties, and functions. Relating to definitions in regard to lobbying, the legislation revises the definition of "lobbying" and "lobbyist". Relating to a lobbyist's reporting of lobbying activities, the legislation requires a lobbyist to disclose all income received from a lobbyist's principal. Relating to definitions in regard to ethics, government accountability, and campaign reform, the legislation revises certain definitions. The legislation provides that if a Member of the General Assembly determines that he has a conflict of interest, he must comply with certain requirements before abstaining from all votes on the matter, and it provides for when a public official who is required to recuse himself from a matter must do so. Relating to representation of another person by a public official before a governmental entity, the legislation further delineates what is considered a contested case when representation by a Member of the General Assembly is permitted. Relating to paid representation of clients and contracting by a Member of the General Assembly or an associate in particular situations, this legislation deletes a prohibition against certain contracts with an entity funded with general funds. Relating to contents of statements of economic interest, the legislation further provides for these contents. Relating to definitions in regard to campaign practices, the legislation revises certain definitions. Relating to campaign contribution limits and restrictions, the legislation increases contribution limits and provide a mechanism every five years for further adjustments based on the consumer price index. The legislation prohibits contributions from a noncandidate committee established, financed, maintained, or controlled by a candidate or public official or any other entity maintained by or affiliated with a candidate or public official. Relating to acceptance of contributions to retire campaign debts, this legislation requires any such contributions to be used for this purpose only. Relating to persons who may not solicit contributions, this legislation includes the head of any state agency who is selected by

the Governor, the General Assembly, or an appointed or elected board. Relating to restrictions on contributions by one candidate to another or through committees controlled by a candidate, this legislation deletes an exception for a committee controlled by a candidate if it is the only such committee. Relating to the disclosure of records and reports by the Department of Revenue, this legislation permits the department to disclose information for purposes of Public Integrity Unit investigations. The legislation repeals current provisions relating to the State Ethics Commission and the Senate and House of Representatives Ethics Committees.

**H.3775 *MUTUAL ORDERS OF PROTECTION AND TEMPORARY
RESTRAINING ORDERS* Rep. Quinn**

This legislation further specifies circumstances under which mutual orders may be granted and authorizes that an order not in compliance with these provisions may be vacated and the records relating to the order destroyed. Relating to the issuance of temporary restraining orders by the magistrates court for harassment or stalking, this legislation provides that on the motion of a party to a temporary restraining order the court may vacate the order and require all records of the order destroyed if the order was improperly issued due to unknown facts.

**H.3776 *EVALUATION OF A PERSON TO DETERMINE WHETHER HE IS A
SEXUALLY VIOLENT PREDATOR* Rep. Quinn**

Relating, among other things, to the evaluation of a person to determine whether he is a sexually violent predator, this legislation provides that the court may require the person to complete certain procedures or tests if requested by the expert conducting the evaluation.

**H.3792 *EXECUTIVE COMMITTEE OF A METROPOLITAN PLANNING
ORGANIZATION* Rep. Funderburk**

This legislation provides for geographically proportionate representation on the executive committee of a metropolitan planning organization, including its affiliated area transit study, whose boundaries have been modified due to the United States census bureau's reclassification of an area from rural to urbanized.

LABOR, COMMERCE AND INDUSTRY

H.3751 *TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT FEDERAL MANDATES* Rep. Sandifer

This bill conforms state law to federal mandates imposed by the United States Congress with the enactment of the Trade Adjustment Assistance Extension Act of 2011, including new mandatory integrity requirements for the state's unemployment insurance program.

H.3771 *SOUTH CAROLINA REAL ESTATE COMMISSION* Rep. Sandifer

This bill revises provision governing the membership of the South Carolina Real Estate Commission, so as to detail procedures for appointing the seven commissioners who represent the seven congressional districts. The legislation requires the Department of Labor, Licensing and Regulation to designate certain personnel for the exclusive use of the commission and prohibits the department from assigning other work to these personnel without approval of the commission. The legislation provides that these personnel only may be terminated by the director.

H.3779 *"SOUTH CAROLINA TELEMEDICINE INSURANCE REIMBURSEMENT ACT"* Rep. K. R. Crawford

This bill enacts the "South Carolina Telemedicine Insurance Reimbursement Act" to require coverage of telemedicine services by individual and group health maintenance organizations.

H.3782 *"PUBLIC EMPLOYER PAYROLL DEDUCTION POLICY ACT"* Rep. Delleney

This bill enacts the "Public Employer Payroll Deduction Policy Act" to prohibit deductions from the compensation of a public employee for dues, fees, and assessments for transmission to any public employee organization, any intermediary, or private individual, unless the deduction is otherwise specifically authorized.

WAYS AND MEANS

S.303 *TAX AND FEE EXEMPTIONS FOR A TRUST ESTABLISHED FOR THE BENEFIT OF A RELIGIOUS ORGANIZATION* Sen. Campsen

This bill includes a trust established for the benefit of a religious organization within the property tax exemptions provided for not-for-profit organizations on property used for holding meetings and on property that is acquired for the purpose of building or renovating residential structures for not-for-profit sale to economically disadvantaged persons. The legislation provides an exemption from deed recording fees for transfers from a trust established for the benefit of a religious organization to the religious organization.

H.3750 *SOUTH CAROLINA RETIREMENT SYSTEM* Rep. White

This bill allows for changes in the provisions governing the South Carolina Retirement System and retirement system funds.

H.3763 *"SOUTH CAROLINA MARKETPLACE AND INFRASTRUCTURE*

IMPROVEMENT ACT” Rep. Ballentine

This bill enacts the “South Carolina Marketplace and Infrastructure Improvement Act”. The legislation requires the Department of Revenue to take certain necessary administrative actions in the event the United States Congress enacts legislation requiring states to collect sales and use tax from remote sellers. The legislation provides that, if the United States Congress enacts legislation that permits states to collect sales and use tax from remote sellers, the Department of Revenue is required to collect sales and use tax from remote sellers. This revenue must be credited to the State Highway Fund for the construction and improvement of roads and bridges.

H.3765 CHARITABLE BINGO Rep. Herbkersman

This bill creates the Charitable Bingo Advisory Committee, requires a Department of Revenue designee as liaison, and requires the Department of Revenue to maintain an informational charitable bingo website that features the department’s response to inquiries as permanently accessible advisory opinions. The legislation makes other revisions to the Bingo Tax Act provisions governing the conduct of bingo games.

***H.3766 REPAYMENTS FOR EMERGENCY REPAIRS TO THE USS LAFFEY
Rep. J. E. Smith***

This joint resolution directs a transfer to replenish the accounts that were used to fund emergency repairs to the USS Laffey; grants the Patriots Point Development Authority a three-year period, beginning on May 1, 2014, during which it shall make interest-only payments on the amount used to replenish the original source accounts at an interest rate and terms to be determined by the Office of the State Treasurer; and beginning May 1, 2017, to require the Patriots Point Development Authority to commence annual payments of \$400,000 until May 1, 2028, at which time a final payment of \$6,068,867.72 shall become due and payable.

***H.3767 ACCOMMODATIONS TAX EXEMPTION FOR CERTAIN RENTALS OF
PERSONAL RESIDENCES Rep. Hixon***

This bill provides that the two percent state sales tax imposed on accommodations does not apply to gross proceeds from rentals received by persons renting their personal residence for fewer than fifteen days total in a year if the gross proceeds of the rental income are excluded from federal taxable income.

***H.3783 ADMISSIONS LICENSE TAX EXEMPTION FOR A MOTORSPORTS
ENTERTAINMENT COMPLEX Rep. Lucas***

This bill revises criteria for the admissions license tax exemption for a motorsports entertainment complex by establishing the requirement that the complex be a NASCAR sanctioned speedway that hosts at least one race each year featuring the preeminent NASCAR cup series, instead of the current requirement that the speedway have at least sixty thousand seats for race patrons.

***H.3784 NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM
Rep. J. E. Smith***

This bill revises provisions governing the National Guard College Assistance Program, so as to clarify that each academic year’s annual maximum grant must be based on the amount of available program funds. The legislation revises program qualification requirements, to provide that national guard members become eligible for college assistance program grants upon completion of basic training and advanced individual training. The legislation allows appropriations to the National Guard College Assistance

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Program to be carried forward to a subsequent fiscal year and expended for the same purpose. Appropriations to the National Guard College Assistance Program are exempted from midyear budget reductions.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "*Publications*," then click on "*Legislative Updates*." This will list all of the *Legislative Updates* by date. Click on the date you need. Also available on the website is a bill summary index, where bills referenced in one or more issues of the *Legislative Update* are listed in numeric order. Links to the specific text of the *Legislative Update* issue are provided in the bill summary index.

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